



PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number (Optional) 59864.01048
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed Name _____	Application Number: 10/500,370 Filed: July 28, 2004 First Named Inventor: Jaakko RAJANIEMI Art Unit: 2617 Examiner: Jaime Michele Holliday

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- ☐ Applicant/Inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under

37 CFR 3.73(b) is enclosed
- ☒ Attorney or agent of record.
Registration No. 51,091
- ☐ Attorney or agent acting under 37 CFR 1.34.
Reg. No. is acting under 37 CFR 1.34 _____


Signature

David E. Brown
Typed or printed name

703-720-7883
Telephone number

March 19, 2007
Date

NOTE: Signatures of all of the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Confirmation No.: 7601

Jaakko RAJANIEMI

Art Unit: 2617

Application No.: 10/500,370

Examiner: Holliday, Jaime Michele

Filed: July 28, 2004

Attorney Dkt. No.: 59864.01048

For: SERVICE ACCESS

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 19, 2007

Sir:

In accordance with the Pre-Appeal Brief Conference Pilot Program guidelines set forth in the July 12, 2005 Official Gazette Notice, Applicant hereby submits this Pre-Appeal Brief Request for Review of the final rejections of claims 1-31 in the above identified application. Claims 1-31 were finally rejected in the Office Action dated October 19, 2006. Applicant filed a Response to the Final Office Action on February 6, 2007, and the Office issued an Advisory Action dated March 6, 2007, maintaining the final rejections of claims 1-31. Applicant hereby appeals these rejections and submit this Pre-Appeal Brief Request for Review. As will be discussed below, numerous clear errors exist in the Final Office Action. These clear errors, warrant withdrawal of all of the outstanding rejections.

Claims 1, 3, 4, 6-14, 16-22, 24, and 26-31 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 6,591,102 to Chavez et al. (Chavez), in view of US Patent No. 6,957,061 to Wright (Wright). The Office Action took the position that Chavez disclosed all of the features of these claims except for the feature that a specific

record contains information that is used to determine that a user is to be verified with a home network. The Office Action asserted that Wright disclosed this feature. Applicants respectfully submit that the cited references, taken individually or in combination, fail to disclose or suggest all of the features of any of the pending claims. Specifically Applicants submit that Wright fails to cure the admitted deficiencies of Chavez. This failure constitutes clear error in the Office Action.

Claims 1, 7, 21, 27 and 29-31 are discussed in the Response that was filed on February 6, 2007.

Claim 1, from which claims 2-6 and 20 depend, is directed to a method for providing access to a service for a user in a communication system. Claim 7, from which claims 8-19 depend, is directed to a method for providing a user of user equipment with access to a service from a service provider node in a wireless communication system. Claim 21 is directed to a server node of a communication system. Claim 27 is directed to a mobile user equipment. Claim 29 is directed to a method for providing access to a service for a user in a communication system. Claim 30 is directed to a server node of a communication system including an interface for receiving a message from the user equipment. Claim 31 is directed to mobile user equipment that includes a processor and a control unit.

As discussed at least in the Response that was filed on June 27, 2006, the present invention relates to a method of reducing the amount of data that must be transmitted in a communication system, while ensuring that security of the system is not compromised. To preserve the security of the system, it is necessary for the authentication/authorization of a mobile station connected to the network to be verified. This verification should be performed against data held in the mobile station's home network, as only the data held in the device's home network is guaranteed to be up to date. Applicants respectfully submit that the each of the pending claims recites features that are neither disclosed nor suggested in any of the cited references.

Chavez is directed to transmitting authentication information for wireless communication services that reduces the amount of data that must be transmitted in the system. When a mobile station authenticates with a base station with a location registration request, the base station retrieves data required to authenticate the mobile station from the network and stores it in local memory for future reference. Similarly, service authorization information for a certain service is only requested by the base station when the mobile station attempts to access that service. Once received, the service authorization information is stored in local memory for future reference. The stored data can then be used to authenticate/authorize future access requests by the mobile station without needing any further information to be retrieved from the network, thereby reducing the amount of data that must be transmitted in the system.

Wright is directed to authenticating mobile user equipment in a mobile telecommunications network. The home network generates authentication vectors for enabling the mobile user equipment to obtain an identifier having a value from the serving network, which is transmitted from the mobile user equipment to the serving network. An authentication element is received from a serving network (SN) to which the user equipment is not directly subscribed, extracting the authentication management field (AMF) from the authentication element, generating in response at least to a predetermined value of the authentication management field (AMF), a key set identifier (KSI), and passing the key set identifier (KSI) to the serving network (SN).

Independent claims 1, 7, 21, 27 and 29-31, recite at least in part, the feature of a specific record in a network node that contains information that is used to determine that a user is to be verified with a home network. As stated above, the Office Action relied on Wright to disclose this feature. However, Wright merely discloses passing an authentication element from the serving network to the user equipment, extracting in the user equipment an authentication management field and generating a predetermined key set identifier and passing the key set identifier to the serving network. Wright does not disclose or suggest a “user specific record” as discussed above. The “user-specific

record” of the present invention is, for example, data held in the mobile station’s home network that determines if verification needs to take place, as recited in claims 1, 7, 21, 27 and 29-31. The failure of Chavez and Wright to disclose or suggest this feature constitutes clear error.

Furthermore, MPEP 2173.01 states that a fundamental principle contained in 35 U.S.C. 112, second paragraph is that applicants are their own lexicographers. They can define in the claims what they regard as their invention essentially in whatever terms they choose so long as any special meaning assigned to a term is clearly set forth in the specification. See also MPEP 2111.01. Applicants submit that the Office Action is essentially denying Applicant’s right to define the invention using the element “user-specific record” by ignoring the meaning of that feature as set forth in the present specification and appears to focus only on the end result of authentication and verification. Nothing comparable to a user-specific record is disclosed nor suggested in any combination of Wright and Chavez.

Based at least on the above, Applicants respectfully submit that the cited combination of references fail to disclose or suggest all of the features recited in claims 1, 3, 4, 6-14, 16-21 and 29-31. This failure constitutes clear error in the Office Action. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. 103(a) of claims 1, 3, 4, 6-14, 16-21 and 29-31 be withdrawn.

The Office Action rejected claims 2, 5, 15, 23 and 25 under 35 U.S.C. 103(a) as being obvious over Chavez and Wright, and further in view of US Patent No. 6,728,536 to Basilier et al. (Basilier). The rejection of claims 23 and 25 are moot in light of the cancellation of these claims. With respect to claims 2, 5, and 15, Applicants respectfully submit that the cited references taken individually or in combination, fail to disclose or suggest all of the features recited in these claims. Specifically, Chavez and Wright are deficient at least for the same reasons discussed above for claim 7; Basilier fails to cure these deficiencies.

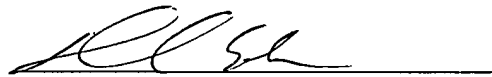
Basilier is directed to transmitting specific information, such as access specific roaming information and/or application specific information, between a home network and a visiting access network. However, as discussed in previous correspondence, Basilier is silent with regards to using a specific record, associated with said user, at a node in the communication system, containing information which determines that a user characteristic is to be verified with a home network prior to providing access to said service, as recited in claim 7.

Because Basilier fails to cure the deficiencies of Chavez and Wright, the cited references fail to disclose or suggest all of the features of any of the above claims. This failure constitutes clear error in the Office Action.

Based at least on the above, Applicants respectfully submit that the Office Action did not establish prima facie obviousness in its rejections of claims 1-31. This error constitutes clear error in the Office Action.

Reconsideration and withdrawal of the rejections, in view of the clear errors in the Office Action, is respectfully requested. In the event this paper is not being timely filed, the applicant respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



David E. Brown
Registration No. 51,091

Customer No. 32294
SQUIRE, SANDERS & DEMPSEY LLP
14TH Floor
8000 Towers Crescent Drive
Tysons Corner, Virginia 22182-2700
Telephone: 703-720-7800
Fax: 703-720-7802

Enclosures: PTO/SB/33 Form
Notice of Appeal
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